

REMARKS

I. Formal Matters

Claims 1-50 are all the claims pending in the application. By this Amendment, Applicants amend claims 1, 28 and 32. By this Amendment, Applicants also add new claim 50. Ample support for claim 50 can be found throughout the application.

Applicants thank the Examiner for the courteous in person interview on March 07, 2007. An Examiner's Interview Summary Record (PTO-413) was provided to the Applicants on March 19, 2007. The PTO-413 requires Applicants to file a Statement of Substance of the Interview. The Statement of Substance of the Interview is as follows:

During the interview, claims 1 and 32 were discussed in view of Parat U.S. Pat. No. 6,435,733, Sherrer U.S. 7,079,725 and Igarashi JP 01013505.

With regard to claim 1, the Examiner requested a further definition of the groove as compared to the protrusion, and their relationship with each other. The Examiner has agreed that the rejection would be traversed by further defining the relationship between the groove and the protrusion. Specifically, with regard to Parat, the Examiner agreed that specifying the direction of the protrusion would overcome the reference. Further, with respect to Sherrer, the Examiner agreed that further defining the part of the protrusion extending in the lateral direction would overcome the reference.

With regard to claim 32, the Examiner broadly interprets groove 2 of Igarashi as extending in the same direction as groove 6 of Igarashi, and states that only one of the grooves necessarily has to support the optical fiber in its axial direction. No agreement was reached.

II. Rejections Under 35 U.S.C. § 102

The Parat Reference (U.S. Patent No. 6,435,733)

The Examiner has rejected claims 1, 2, 4 and 29 under 35 U.S.C. § 102(b) as being anticipated by *Parat*. During the Interview, the Examiner agreed that claim 1 would be allowable if the relationship between the groove and the protrusion was further defined.

Specifically, with regard to claim 1, the Examiner agreed that *Parat* does not teach, or even suggest, “the protrusion **extending in a lateral direction, wherein said lateral direction is substantially perpendicular** to the direction of the first groove.” Applicants have amended the claim as such, and thus believe that claim 1 is now in condition for allowance.

With regard to claims 2, 4 and 29, those claims depend from claim 1, and as such they are allowable at least by virtue of their dependency on claim 1.

The Sherrer Reference (U.S. Patent No. 7,079,725)

The Examiner has further indicated that independent claim 1, as well as dependent claims 2-4 and 18, stand rejected as being anticipated under 35 U.S.C. § 102(e) by *Sherrer*. With respect to this rejection, the Examiner has agreed during the interview that claim 1, as amended, overcomes the *Sherrer* reference.

Specifically, the Examiner agreed that *Sherrer* does not teach, or even suggest, “a pressing body comprising a protrusion, formed on a first surface thereof, **a longer part of the protrusion extending in a lateral direction**, wherein said lateral direction is substantially perpendicular to the direction of the first groove,” as recited in claim 1. Applicants have

amended claim 1 as discussed and thus respectfully assert that claim 1 is in condition for allowance.

As claims 2-4 and 18 depend from claim 1 they are allowable at least by virtue of their dependency on claim 1.

The Igarashi Reference (JP 01013505)

The Examiner has indicated that independent claim 32, as well as dependent claims 34, 35, 37, 40, 43 and 49, stand rejected as allegedly being anticipated under 35 U.S.C. § 102(b) by *Igarashi*. No agreement with respect to claim 32 was reached during the interview.

During the Interview, the Examiner argued that the “first groove 6” is formed in the first surface of *Igarashi*, and the “second groove 2” is formed in a second surface thereof. The Examiner also argued that groove 2 can be interpreted to extend in the same direction as groove 6, and that the claim could be interpreted to include only a single groove supporting the optical fiber in its axial direction. Applicants respectfully disagree. However, in order to obtain a more expedient allowance, Applicants have amended claim 32 to further clarify the relationship between the first groove and the second groove.

Specifically, *Igarashi* fails to disclose, or even suggest, at least “a fixing body comprising a first groove formed in a first surface thereof, and a second groove formed in a second surface thereof, **wherein the first surface lies in a plane parallel to a plane of the second surface, and both grooves extend in a direction to support the optical fiber along its axial direction,**” as recited in claim 32.

Thus, even if, *arguendo*, the Examiner's interpretation of claim 32 is correct, the alleged first surface of *Igarashi* lies in a plane which is perpendicular to the alleged second surface of *Igarashi*. (See FIG. 1). For at least this reason, Applicants respectfully assert that *Igarashi* fails to disclose all of the elements of independent claim 32, and patentably distinguishes over the prior art.

As claims 34, 35, 37, 40, 43 and 49 depend from claim 32, they are allowable at least by virtue of their dependency on claim 32. They are also allowable because of additional limitations set forth therein.

III. Rejections Under 35 U.S.C. § 103(a)

The Combination of Parat and Tamekuni (U.S. Patent No. 5,993,070)

The Examiner has indicated that claim 5 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Parat*, as applied to claim 1, in view of *Tamekuni*. Applicants respectfully disagree.

As discussed above, the Examiner has agreed that *Parat* does not teach, or even suggest, all of the limitations of independent claim 1. The Examiner only relies on *Tamekuni* for its alleged disclosure of V-shapes and trapezoidal shapes for holding optical fibers, and as such, does not cure the deficient disclosure of *Parat*. Thus, Applicants respectfully assert that dependent claim 5 is allowable at least by virtue of its dependency on claim 1.

The Combination of Sherrer and Tamekuni

The Examiner has also indicated that claim 5 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Sherrer*, as applied to claim 1, in view of *Tamekuni*. Applicants respectfully disagree.

As discussed above, the Examiner has agreed that *Sherrer* does not teach, or even suggest, all of the limitations of independent claim 1. The Examiner only relies on *Tamekuni* for its alleged disclosure of V-shapes and trapezoidal shapes for holding optical fibers and as such does not cure the deficient disclosure of *Sherrer*. Thus, dependent claim 5 should be allowable at least by virtue of its dependency on claim 1.

The Combination of Parat and Applicants' Prior Art

The Examiner has rejected claims 30 and 31 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Parat*, as applied to claim 1, in view of *Applicants' Admitted Prior Art*. Applicants respectfully disagree.

As discussed above, the Examiner has agreed that *Parat* does not teach, or even suggest, all of the limitations of independent claim 1. Similarly, *Applicant's Prior Art* cannot cure the deficient disclosure of *Parat*. Specifically, *Applicant's Prior Art* does not teach, or even suggest, “a protrusion, formed on a first surface thereof, **a longer part of the protrusion extending in a lateral direction**, wherein said lateral direction is substantially perpendicular to the direction of the first groove,” as recited in claim 1.

As shown in FIG. 3, the figure relied on by the Examiner, *Applicants' Prior Art* does not include a protrusion on the pressing surface, and thus cannot cure the deficient disclosure of *Parat*. As a result, Applicants respectfully assert that dependent claims 30 and 31 are allowable at least by virtue of their dependency on claim 1.

Obviousness under Parat alone

The Examiner has indicated that claims 12-17 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Parat* as applied to claim 1. Applicants respectfully disagree.

With regard to claims 12-17, claims 12-17 depend from independent claim 1. As such, Applicants respectfully assert that claims 12-17 are allowable at least by virtue of their dependency from claim 1. They are also allowable because of additional limitations set forth therein.

For example, with regard to claim 15, the Examiner maintains that it would have been obvious for one of ordinary skill in the art to use a prismatic shape for the protrusion as a matter of obvious design choice.

However, the Examiner's response does not address the motivation argument as submitted in the previous Amendment. That is, with regard to claim 12, the Examiner asserts: "the motivation for [not having a semi-rectangular cross section of the protrusion] would be to **avoid sharp edges that could damage the optical fiber** when pressing against it." (Office Action, page 11). In other words, the Examiner contends that a shape having a sharp edge would render the invention unsatisfactory for its intended purpose. However, with respect to claim 15,

the Examiner reverses his position and states that, a change in shape, in this case to **a prismatic shape**, would be an obvious design choice. (See Office Action, pages 4 and 12).

It is well known that, “if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984); *see also* MPEP § 2143.01.

With regard to claim 15, the Examiner admits that a sharp edge would render the invention unsatisfactory, and thus Applicants respectfully assert that it would **not be obvious** to one of ordinary skill in the art to change the shape of the shape of the protrusion to a prismatic shape.

Obviousness under Sherrer alone

The Examiner has rejected claims 19-27 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Sherrer* as applied to claims 1 and 18. Applicants respectfully disagree.

With regard to claims 19-27, claims 19-27 depend from independent claim 1. As such, Applicants respectfully assert that claims 19-27 are allowable at least by virtue of their dependency from claim 1. They are also allowable because of additional limitations set forth therein.

The Combination of Igarashi and Applicant's Prior Art

The Examiner has rejected claims 44 and 45 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Igarashi* as applied to claim 32 and in further view of *Applicant's Admitted Prior Art*. Applicants respectfully disagree.

Claims 44 and 45 depend from independent claim 32. As a result, Applicants respectfully assert that dependent claims 44 and 45 are allowable at least by virtue of their dependency on claim 32.

Moreover, Applicants have already demonstrated the deficiencies of *Igarashi* with respect to claim 32. The Examiner relies on *Applicant's Prior Art* only for its alleged disclosure of “fusion splicing optical fibers, wherein the optical fibers are fixed by holding systems,” and as such Applicant's prior art can not cure the deficient disclosure of *Igarashi*.

Obviousness under Igarashi alone

The Examiner has rejected claims 38, 39, 41 and 42 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Igarashi* as applied to claim 32. Applicants respectfully disagree.

For reasons analogous to those cited in *The Igarashi Reference* section, *Igarashi* fails to teach or suggest the combination of elements as set forth in independent claim 32. Claims 38, 39, 41 and 42 depend from independent claim 32. As such, Applicants respectfully assert that dependent claims 38, 39, 41 and 42 are allowable at least by virtue of their dependency on claim 32.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant herewith petitions the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Unless a check is attached, any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS).

Applicant herewith petitions the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Unless a check is attached, any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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